

August 22, 2013

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Comm. Dieterle; Chief Beloit; Chief Dixon; Ed Adams; Larry Williams; Jim Cameron – H J Umbaugh; residents of the w. 9<sup>th</sup> Street area; Sue Terrell; Sara Manifold – Mount Vernon Democrat; and arriving during the meeting, Bill Newman; Brian Jeffries; and Jerry Walden.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Bill Newman arrived at the meeting.

Mayor Tucker stated they will now hear the report of the Water Chairman.

**Chairman Curtis** stated he has no report, everything seems to be running well.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins stated she has the paperwork for a water agreement that has already been approved. She added the property owner is Mike Lewis Craig – Emerald Coast Restaurant Repair, Inc., - for a tap on east Lamont Road. She stated the approval was given a year and a half ago, pending completion of paperwork, and that paperwork is now complete. She added Supt. Gray indicates the tap fee has been paid.

Brian Jeffries arrived at the meeting.

Board signed the agreement.

Attorney Higgins stated they have paperwork for another water agreement, for Dave and Cheryl Carroll on north Sauerkraut. They were approved pending completion of paperwork a few meetings back and their paperwork is now in. Supt. Gray indicates everything is good on his end.

Board signed paperwork.

Attorney Higgins stated, as a reminder, included in the water agreements is an easement as well as a waiver not to remonstrate against annexation.

Mayor Tucker stated on the agenda under Legals is Sue Terrell with a request for a water adjustment. Chief Dixon left the meeting.

Ms. Terrell stated she is requesting a water adjustment for 1118 Locust Street. She continued by stating she went to Georgia June 6 – 16, 2013 and while she was gone she received a call that her outside hose was on. It was shut off and she came home June 17, 2013. She would ask that her bill be adjusted.

Supt. Gray stated he has no problem with adjustment.

Jerry Walden arrived at the meeting.

Board member Curtis moved the adjustment be allowed, under their normal procedures. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Fuelling – yes; Hoehn – yes; Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Comm. Dieterle; Chief Beloit; Chief Dixon; Ed Adams; Larry Williams; Jim Cameron – H J Umbaugh; residents of the w. 9<sup>th</sup> Street area; Sara Manifold – Mount Vernon Democrat; Bill Newman; Brian Jeffries; Jerry Walden; and arriving during the meeting, WFIE Ch. 14 News; and Nancy Sexton.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

**Street & Light Chairman Hoehn** stated he has no report.

Comm. Dieterle stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

**Police & Dog Chairwoman Higgins** stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were questions ?

There were none.

**Sewer Chairman Fuelling** stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item comes to them as a request from the Park Board.

WFIE Ch. 14 News arrived at the meeting.

Attorney Higgins continued by stating section (B) “On a public street or parking lot within 300 feet of a park or recreational facility described in division (A) above.”, is being removed. She continued by stating the riverfront park is being finished, River Days is there, Smoke on the Ohio, etc. and many of these events will have alcohol. The boat dock is also there any many boaters load and unload - that is

within 300 feet. Again, this is coming as a recommendation from the Park Board, so they are fine with the ordinance.

Mayor Tucker asked the wishes of the Council ?

Councilwoman Higgins moved the Ordinance Amending the City of Mount Vernon, Indiana Code of Ordinances, Title XI-Business Regulations, Chapter 110-Intoxicating Liquors, Section 110.01-Use of Alcohol on Certain Public Property Prohibited, pass on first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

Councilman Hoehn stated on a public street or parking lot within 300 feet of a park....any park ?

Attorney Higgins replied as described in division (A): in a park or recreation facility operated by the City of Mt. Vernon – Black Township Park & Recreation Board.

Councilman Hoehn questioned Kimball Park. He stated so someone could be sitting within 300 feet of Kimball Park with an open container.

Attorney Higgins replied people still have to following the state law on open containers.

Councilwoman Higgins stated this is just to get them through the upcoming festivals and events. It does not effect state law.

Attorney Higgins clarified that it is a permanent ordinance.

Councilman Hoehn asked if this ordinance is redundant anyway ? What does state law have to do with this and because of that, it appears redundant.

Attorney Higgins stated there had been no open container law back when this ordinance was originally put in place – back in the 1970's.

Mayor Tucker asked if there were any other questions ?

There were none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Fuelling – yes; Hoehn – no; Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Attorney Higgins stated the next item is the advertized public hearings for the three annexations they have been working on. She then stated the final readings need to be at least 30 days after the public hearing, which would put the final reading at the October 3 meeting. After the final reading, publication in the paper to begin the 90 day process will be on October 8.

Mayor Tucker then stated they will now open the public hearing on the Westridge Subdivision annexation. He then asked if anyone in the audience wished to address the Council on the Westridge Subdivision annexation ?

There was no response.

Mayor Tucker stated to let the record show there were no remonstrators.

Mayor Tucker then closed the public hearing.

Mayor Tucker stated they will now open the public hearing on the Lakeview Place “B”, Lots 12 through 19 annexation. He then asked if anyone in the Audience wished to address the Council on the Lakeview Place “B”, Lots 12 through 19 annexation ?

There was no response.

Mayor Tucker stated to let the record show there were no remonstrators.

Mayor Tucker then closed the public hearing.

Mayor Tucker stated they will now open the public hearing on the Western Hills Country Club annexation. He then asked if anyone in the Audience wished to address the Council on the Western Hills Country Club annexation ?

Nancy Sexton arrived at the meeting.

There was no response.

Mayor Tucker stated to let the record show there were no remonstrators.  
Mayor Tucker then closed the public hearing.

Mayor Tucker stated in the Audience is Jim Cameron with H J Umbaugh to discuss the results of the trash study.

Mr. Cameron stated he sent the report out to Council about two weeks ago, right before their last meeting. He then stated if Council will refer to page 2, they will notice the average operating receipts for 2012 were approximately \$288,000 and disbursements, including capital items, was \$580,000.00. He added as Council can see there is a shortfall of around \$300,000 per year. Essentially the city is subsidizing the cost of the trash operation through the General Fund and taxes. If they will refer to page 3 they can see for the test year a total of operating disbursements of \$554,000. There are some minor adjustments that were made for salaries and wages on pages 4-5. In the test year they had used 27 bi-weekly pays and they have now adjusted that down to 26 pays. It is his understanding that health insurance and pensions are paid from another budget. He continued by stating page 6 shows the cost of the program to be \$581,594; the estimated required revenue is \$611,594 and operating receipts are \$278,347, creating a shortfall of \$333,247.00. If the city wants to continue to fund the program through fees, they will need to increase the fee 119.7% from \$8.60 per month to \$18.90 per month. If they refer to the last page they will see a graph of 96 communities. He stated 21 pay for their service through taxes; seven contract out the service; and 68 pay the city a fee for trash pick up. Also the average cost of trash pick up is \$13.00 - \$15.00 per month. He then asked if Council had any questions ?

Councilman Hoehn asked the number of users the city has on trash pick up ?

Mr. Cameron replied 2750 customers are billed each month.

Councilman Hoehn asked if there is a breakdown on how many are residential, etc.?

Mr. Cameron replied 2496 are residential; 217 commercial; 6 industrial; 27 multi-family and 4 designated as other.

Councilman Hoehn stated this study repeats what Councilman Fuelling came up with some time back, only now the numbers are official and this gives Council some homework.

Mayor Tucker asked if there were any other questions ?

Councilman Hoehn thanked Mr. Cameron for his analysis and Mr. Cameron left the meeting.

Mayor Tucker stated they currently fund based on some fees and lot of supplementing. He would suggest Council does something sooner rather than later as the street department is in need of equipment to operate. He asked that they "get on it".

Councilman Hoehn stated he would like to check with some of the other communities listed to see how real some of these numbers are, and find out how they are doing it. Do they subcontract it out ? Is that what they should do here to buy a little more time ? Possibly they could contract out part of the city. He then stated he can get with Comm. Dieterle and come back to the Council at the next meeting with some more information.

Comm. Dieterle agreed that would be fine.

Councilman Curtis agreed that sounded like a good idea.

Councilman Fuelling stated he would like to look at the options and decide on a goal to achieve the best option.

Councilman Hoehn added he will have something for them at the next meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Troy Ricketts stated he, and most of the audience, are homeowners of the w. 9<sup>th</sup> Street area. The area is out of control. There is trash everywhere, weapons, thefts, tall grass, etc. They need to make the landlord responsible for the tenants they put in their homes. Again, the area is totally out of control and some folks are scared to leave their house or even come out and sit on their porch.

Councilman Hoehn asked how big of an area are they talking about ?

Mr. Ricketts replied the entire w 9<sup>th</sup> Street area.

Councilman Curtis added about 3 blocks.

Mr. Ricketts stated he sees drug deals going down in the street, with kids around. They need help down there.

Another resident stated the 9<sup>th</sup> and James Street area has all but been forgotten. They call the police a lot but no one is ever taken away.

Councilman Hoehn asked if everyone from the area agreed ?

They all replied.

One resident stated there is fighting at midnight, the police come and they see nothing.

Another resident stated she likes to decorate the outside of her house, and they have stole her stuff out of the yard, or smashed it all up. Kids throw rocks at her house. The landlords don't care who they rent to, they just think about getting their rent money. She added she locks her door and won't sit on her porch anymore. At night she will not even go out. Everyone is tired of the ruckus.

Another resident stated everyone down there has scanners too so when the police are dispatched out, they scatter to their porches and sit there like church goers.

One gentleman stated he has spent a lot of money remodeling the inside of his house, and was getting ready to start on the outside. He then stated he has now decided to do the outside, rather he will be selling and getting out.

Another gentleman stated he has to turn his TV up loud because of all of the rude and foul talk from the street. He added there is litter, trash, drug dealing, kids out (six to eight year olds) until 1:00 and 2:00 am running the neighborhood and they can't get any satisfaction. No citations are being written. There are expired license plates on cars. It's like they don't matter down there even though they pay their taxes like everyone else.

Councilman Hoehn asked if this activity is recent ?

The reply was no, it is just getting worse.

Another resident stated they have called the Mayor, the Prosecutor, and nothing is done. The Mayor says he will talk with Chief Beloit, but it's been three years. He added he just gives up.

One woman stated her house is paid for, she isn't going anywhere, she can't.

Another resident added if the landlords were held responsible they would have better neighbors. He then stated he moved here from Canada and since he has been here, he has to call the police five or six times a day.

Mayor Tucker suggested they get with Chief Beloit tonight and make a time where they can sit down with him and maybe he can get some extra patrols in the area and monitor the actions that are taken by the police when they get there.

Mr. Ricketts questioned the landlords, how do they go about doing something about that. It is going on five or six years now. One house has half the roof gone and it has been raining inside the house.

Another resident again stated that if the landlord had to be held accountable, they wouldn't have these issues.

Councilman Fuelling stated the Code Enforcement Officer needs to look at that house.

Mr. Ricketts stated some folks don't even mow, trash blows down the alley, etc.

Councilman Curtis asked if they have called anyone and if so who ?

Mr. Ricketts relied he Mayor's Office and the lady said she would check it but he never heard back – and the yard still isn't mowed.

Mayor Tucker stated they have an ordinance on grass, but it is a process and it doesn't happen over night. In fact, the entire process of having a yard mowed can take three weeks to a month.

Mr. Ricketts questioned what they do about the noise and the trash ?

Mayor Tucker replied they have a noise ordinance in Mount Vernon, again, they need to get with Chief Beloit.

Mr. Ricketts agreed but added it does not go into effect until 10:00 pm. It is so bad their windows shake.

Councilman Curtis stated they really need to meet with Chief Beloit and have a back and forth discussion. This isn't something that is going to get fixed today. He wondered if when complaints are called in, possibly someone could get back in touch with the person making the complaint to give them an update.

Mr. Ricketts stated crime is the biggest part and he stated he feels like they aren't getting anywhere. He then stated there is even a house they can smell sometimes it is so bad. People need to get fines and there needs to be some enforcement.

Councilman Curtis again stated they need to have a sit down with Chief Beloit and he stated he will be there as well. He then stated he hears what Mr. Ricketts and all of the homeowners are saying.

One resident questioned again the landlords, is there a law or are they make a law ?

Attorney Higgins replied the more effective route would be a community watch, foot patrols, be a presence, be visible in the area. The area needs to get a reputation that the neighbors aren't going to stand for this anymore.

One resident stated it is useless to call the police. He added he was on the phone with them while a drug deal was going down and they never showed up.

Attorney Higgins stated they are free to come to these meetings and voice their concerns every other Thursday night, until they are satisfied.

Another resident added she is a nurse and works 12 hours shifts and with all the ruckus it is very difficult to sleep.

Mayor Tucker stated the chief is here tonight they need to get with him, and Councilman Curtis stated he would go to a meeting with them as well. Sounds like extra patrols are needed, some foot patrols....

One resident stated they have tried to call the police, and wondered if Chief Beloit would tell them why the police aren't effective ? Again, the landlords need addressed. He then offered his living room for Council and/or police to come sit in for 24 hours and witness firsthand what they live with on a daily basis.

Another resident wondered if an undercover car every once in a while doing a drive by would help. If they see a police car, they all scatter to their porches.

Mayor Tucker stated Chief Beloit will sit down with them.

The residents thanked Council for listening.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

**2<sup>nd</sup> District Councilman Fuelling** stated he has no report.

**3<sup>rd</sup> District Councilman Hoehn** stated he has no report.

**4<sup>th</sup> District Councilman Curtis** stated he has no report.

**Councilwoman-at-Large Higgins** stated she has no report.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Curtis moved the meeting be adjourned. Seconded by Councilman Fuelling.  
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer